

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MONDIS TECHNOLOGY LTD.,  
HITACHI MAXELL, LTD., n/k/a  
MAXELL HOLDINGS, LTD., and  
MAXELL, LTD.,

Plaintiffs,

v.

LG ELECTRONICS INC. and  
LG ELECTRONICS U.S.A., INC.,

Defendants.

Civil Action No. 15-04431(SRC/CLW)

*Electronically Filed*

**NOTICE OF APPEAL**

**DEFENDANTS LG ELECTRONICS INC. AND  
LG ELECTRONICS U.S.A., INC.'S NOTICE OF APPEAL**

Notice is hereby given that Defendants LG Electronics Inc. and LG Electronics U.S.A. Inc. (collectively “LG”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the above-captioned matter.

Following a jury trial held on April 2-12, 2019, the jury returned liability and damages verdicts in favor of Plaintiffs on April 9 and 12, 2019, respectively. [Dkt. Nos. 467, 468, 482, 483.] The parties then filed various post-trial motions. [Dkt. Nos. 486-496.] On September 24, 2019, the Court entered an order disposing of some of the parties’ post-trial motions, while reserving a decision on LG’s combined Motion for Judgment as a Matter of Law Under Rule 50(b), a New Trial Under Rule 59, and/or Remittitur Regarding Damages and Willfulness. [Dkt. No. 558.] On April 22, 2020, the Court disposed of this last post-trial motion by denying LG’s request for judgment as a matter of law and/or remittitur, but granting LG’s request for a new trial on damages. [Dkt. No. 607.] The new trial on damages was held on February 6-7, 2023, and the jury returned a damages verdict in favor of Plaintiffs on February 7, 2023. [Dkt. Nos. 764, 765.] The parties then filed various post-trial motions. LG filed a Motion for Judgment as a Matter of Law under Rule 50(b), a New Trial Under Rule 59, and/or Remittitur Regarding Damages. [Dkt. Nos. 772-773.] Plaintiffs file (i) a Motion for Prejudgment and Postjudgment Interest, and (ii) a Motion pursuant to 35 U.S.C. §§ 284 & 285 for Enhanced Damages, Attorney Fees, and Costs. [Dkt. Nos. 774-777.]

On June 1, 2023, the Court issued an Opinion and an Order resolving the pending post-trial motions. [Dkt. Nos. 786, 787.] The Court further ordered Plaintiff to “submit a proposed Order of Final Judgment in conformity with the Courts decisions.” [Dkt. No. 787.] As such, although the Court has not yet entered a final judgment, this notice of appeal is timely filed under 28 U.S.C. § 1295 and Federal Rule of Appellate Procedure 4. *See, e.g., Mondis Tech. Ltd. v. LG Elecs. Inc.*, 6 F.4th 1379, 1385 (Fed. Cir. 2021) (noting that LG may “challeng[e] the liability determinations of the district court under our § 1295 jurisdiction once the damages determination is completed”); Fed. R. App. P. 4(a)(2) (“A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.”).

In view of the foregoing, LG appeals from any and all decisions, orders, rulings, findings, and/or conclusions adverse to LG, including all such orders, rulings, findings, and/or conclusions that are intertwined with, related to, or resulted in this appeal. These orders, rulings, findings, and/or conclusions include but are not limited to:

- September 28, 2017 Opinion & Order [Dkt. No. 231] regarding claim construction;
- October 12, 2017 Opinion & Order [Dkt. No. 233] denying LG’s Motion for Summary Judgment for Lack of Written Description [Dkt. Nos. 215 and 215-1];

- October 4, 2018 Opinion & Order [Dkt. No. 304] denying LG’s Motion for Summary Judgment [Dkt. Nos. 263 and 264] and granting Mondis’ Motion for Summary Judgment [Dkt. Nos. 265 and 266];
- October 29, 2018 Final Pretrial Order [Dkt. No. 311] and any supplements thereto;
- January 7, 2019 Order [Dkt. No. 369] denying LG’s Motion to Dismiss for Lack of Subject Matter Jurisdiction [Dkt. Nos. 308 and 309];
- February 27, 2019 Opinion & Order [Dkt. No. 393] denying LG’s Motion to Dismiss (1) for Lack of Subject Matter Jurisdiction Based on Lack of Standing; and (2) for Non-Compliance with the Statutory Limitation on Damages [Dkt. Nos. 379 and 380];
- March 25, 2019 Order Regarding the Parties’ Motions *in Limine* [Dkt. Nos. 391, 432], including the decisions indicated on the hearing record [Dkt. Nos. 391-392], addressing LG’s Motions *in Limine* Nos. 1 through 6 [Dkt. Nos. 321, 323, 325, 326, 327, and 329] and Plaintiffs’ Motions *in Limine* Nos. 1 through 4 [Dkt. No. 331];
- The Court’s pre-trial evidentiary rulings with respect to all trials;
- The Court’s evidentiary rulings during each trial, [*see, e.g.*, Dkt. Nos. 451, 453, 457, 463, 464, 470, 474, 537-546, 757, 769-771];
- The Final Jury Instructions [Dkt. Nos. 461, 472, 758 and as read during all trials];
- April 9, 2019 Jury Verdict Regarding Liability [Dkt. Nos. 467, 468];
- April 12, 2019 Jury Verdict Regarding Remedy [Dkt. Nos. 482, 483];
- February 7, 2023 Jury Verdict Regarding Remedy [Dkt. Nos. 764, 765];
- September 24, 2019 Opinion & Order [Dkt. No. 558] and April 22, 2020 Opinion & Order [Dkt. No. 607] regarding the parties’ post-trial motions, including:
  - LG’s Motion for Judgment as a Matter of Law Under Rule 50(b) and/or a New Trial Under Rule 59 Regarding Noninfringement [Dkt. Nos. 487 and 487-1];

- LG's Motion for Judgment as a Matter of Law Under Rule 50(b) and/or a New Trial Under Rule 59 Regarding Invalidity [Dkt. Nos. 486 and 486-1];
- LG's Motion for Judgment as a Matter of Law Under Rule 50(b), New Trial Under Rule 59, and/or Remittitur Regarding Damages and Willfulness [Dkt. Nos. 489 and 489-1];
- January 10, 2023 Order Regarding the Parties' Motions *in Limine* [Dkt. No. 744];
- June 1, 2023 Opinion and Order [Dkt. Nos. 786, 787] regarding the parties' post-trial motions; and
- Any final judgment that is entered following the June 1, 2023 Opinion and Order [Dkt. Nos. 786, 787] regarding the parties' post-trial motions.

Dated: June 1, 2023

Of Counsel:  
(*pro hac vice*)

Michael J. McKeon  
Christian A. Chu  
R. Andrew Schwentker  
Michael F. Ballanco  
FISH & RICHARDSON P.C.  
1000 Maine Ave. SW,  
Suite 1000  
Washington, D.C. 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

Respectfully submitted,

/s/Liza M. Walsh

Liza M. Walsh  
Selina M. Ellis  
WALSH PIZZI O'REILLY  
FALANGA LLP  
One Riverfront Plaza  
1037 Raymond Blvd., Suite 600  
Newark, NJ 07102  
Phone: (973) 757-1100  
Fax: (973) 757-1090

*Attorneys for Defendants  
LG Electronics Inc. and  
LG Electronics U.S.A., Inc.*